

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

UNITED STATES, *et al.*,

Plaintiffs,

- against -

GOOGLE LLC,

Defendant.

**Civil Action No. 1:23-cv-00108
(LMB) (JFA)**

**DEFENDANT GOOGLE LLC’S CONSENT MOTION FOR LEAVE TO EXTEND THE
DEADLINE TO DEPOSE A THIRD-PARTY WITNESS (JOHN GENTRY)**

Defendant Google LLC (“Google”) moves for leave to depose a third-party witness, John Gentry of OpenX, during the last week of October 2023 on the following grounds:

1. The fact-discovery cut-off is September 8, 2023 (Doc. 94). The Parties each sought leave to take Mr. Gentry’s deposition during the first week of October 2023. (*See* Doc. 340; Doc 345; Doc 351). The Court granted the Parties’ motions for leave to depose Mr. Gentry after the September 8, 2023, fact-discovery deadline due to his unavailability prior to that date (*see* Doc. 363). By agreement, the deposition is currently scheduled for October 4, 2023, in Los Angeles, California.

2. The lead lawyer for Google who will be taking the Mr. Gentry’s deposition became significantly ill Sunday evening and will be unable to travel for and attend Mr. Gentry’s deposition at that time. Moreover, Google understands the witness would likewise benefit from additional time to recover from recent medical issues.

3. The Parties and the deponent have met and conferred, and Google understands that the earliest next available time that Mr. Gentry is available to sit for a deposition is the last week of October.

4. Therefore, Google respectfully requests permission to take Mr. Gentry's deposition during the week of October 23, 2023, and requests that Mr. Gentry's deposition be treated for all purposes as if it had been taken before the September 8, 2023, fact-discovery cutoff.

5. Google has met and conferred with the Plaintiffs, who consent to the relief sought in this motion. Granting this relief will not impede expert discovery or affect other deadlines in this case.

WHEREFORE, Google requests that the Court grant this motion. A proposed order is submitted herewith.

The parties do not seek oral argument on this procedural motion.

Dated: October 3, 2023

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